IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.9882 of 1999

Dated: 11-04-2007

Between:

S. Laxma Reddy, s/o late B. Narayan Reddy.

... Petitioner

and

1. The District Collector, Hyderabad and 2 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner states that his father, namely, late Narayana Reddy purchased an extent of 115 sq. yards from one Mallaiah on 03-09-1979. In 1979 itself his father constructed a house in the said premises, which was given Municipal Door No.1-2-607/35/A/4. He has been in continuous possession of the said premises till date. He further states that while so, the revenue authorities filed O.P.No.84 of

1989 against him before the Chief Judge, City Civil Court, Hyderabad-cum-Special Tribunal under Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for short,
'Land Grabbing Court') claiming that the said land belongs to the Government. The Land Grabbing Court after enquiry by an order dated 24-11-1995 though allowed O.P.No.84 of 1989, held that he is entitled to claim the benefits of G.O.Ms.No.331 dated 21-04-1991 and G.O.Ms.No.508 Revenue (Assignment-I) Department dated 20-10-1995 in case he fulfills the required conditions mentioned in the said G.Os.

In pursuance of the order in O.P.No.84 of 1989, he presented application before first respondent for regularization and also presented further representations to all respondents, but respondents particularly third respondent instead of regularizing his possession threatening that they will demolish the premises in question. In those circumstances,
he approached this Court and filed the instant writ petition seeking a *mandamus* to direct respondents to regularize his application relating to H.No.1-2-607/35/A/4, Subhash Chandra Bose Nagar, Domalguda, Hyderabad in pursuance of the order, dated 24-11-1995 passed in O.P.No.84 of 1989 on the file of the Land Grabbing Court.

3. Despite the fact that the notices are served, respondents have not chosen to file any counter affidavit.

4. Evidently, third respondent filed O.P.No.84 of 1989 stating that petitioner herein is land grabber, but, however, the land Grabbing Court, having regard to the long possession of petitioner herein directed respondents to consider his case for regularization if he comes within the purview of G.O.Ms.Nos.331 and 508. As it is the

contention of petitioner that he is in possession of the said lands and building right from 1979,

he comes within the ambit of the said G.Os., and thus gave application seeking regularization of his possession. The authorities, in my considered view are duty bound to pass orders on the said application and hence, *mandamus* is issued directing respondents to consider the application of petitioner and pass appropriate orders in terms of the order dated

24-11-1995 passed in O.P.No.84 of 1989 on the file of the Land Grabbing Court.

5. Accordingly, the writ petition is allowed. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.11-04-2007
GLV